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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/734,792	12/12/2000	Corinne Saso	C6588(C)	5173

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UNILEVER
PATENT DEPARTMENT
45 RIVER ROAD
EDGEWATER, NJ 07020

EXAMINER

BUI, LUAN KIM

ART UNIT	PAPER NUMBER
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3728

DATE MAILED: 07/09/2003

15

Please find below and/or attached an Office communication concerning this application or proceeding.

N.K.

Office Action Summary

Application No.

09/734,792

Applicant(s)

SASO ET AL.

Examiner

Luan K Bui

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 and 27-30 is/are pending in the application.
- 4a) Of the above claim(s) 14, 18, 29 and 30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 15-17, 19-25, 27 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, 4, 6, 7, 10, 12, 13, 15-17, 22, 24, 25, 27 and 28 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Limousin (4,586,312) in view of Lundquist et al. (4,720,410; hereinafter Lundquist'410). Limousin discloses a combination of two or more packages (10A-L) to form a unit and the unit is shrink wrapped in two or more films on opposite film sides of the unit. Limousin further discloses at least one line of perforation (21, 22) extending in at least one of the films at least along one of the film sides and a pair of gripping openings (Figure 1). Limousin also discloses the other claimed limitations except for at least one of the films being opaque and at least one of the films being clear. Lundquist'410 teaches a package (10) for holding articles (12) comprising a top sheet (22) is transparent sealed (26) to a bottom sheet (24) is opaque (column 4, lines 3-11). The bottom sheet is thicker than the top sheet (Figures 1-2). It would have been obvious to one having ordinary skill in the art in view of Lundquist'410 to modify the films of Limousin so the films comprises at least one of the films is clear to allow visual access to the packages and at least one of the films is opaque to prevent visual access to the packages.

3. Claims 2, 5, 8, 9, 11 and 19 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claims 1 and 2 above, and further in view of

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Tsuchiya et al. (5,067,612; hereinafter Tsuchiya'612). Limousin fails to show the openings being on opposite sides of the perforations in the film side. Tsuchiya'612 teaches in the embodiment of Figure 13 a package (50) at least a pair of perforations (14) with a notch opening (15) and a pair of openings (43) on opposite sides of the perforations. It would have been obvious to one having ordinary skill in the art in view of Tsuchiya'612 to modify the openings of Limousin so the openings are disposed on the opposite sides of the perforations to facilitate carrying.

4. Claims 20, 21 and 23 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Limousin (4,586,312) in view of Tsuchiya et al. (5,067,612; hereinafter Tsuchiya'612). Limousin discloses a combination of two or more packages (10A-L) to form a unit and the unit is shrink wrapped in two or more films on opposite film sides of the unit. Limousin further discloses at least one line of perforation (21, 22) extending in at least one of the films at least along one of the film sides and a pair of gripping openings (Figure 1). Limousin also discloses the other claimed limitations except the openings being on opposite sides of the perforations in the film side. Tsuchiya'612 teaches in the embodiment of Figure 13 a package (50) at least a pair of perforations (14) with a notch opening (15) and a pair of openings (43) on opposite sides of the perforations. It would have been obvious to one having ordinary skill in the art in view of Tsuchiya'612 to modify the openings of Limousin so the openings are disposed on the opposite sides of the perforations to facilitate carrying.

Response to Arguments

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Applicant's arguments filed on 5/20/2003 have been fully considered but they are not deemed to be persuasive.

In response to applicant's argument that Lundquist is non relevant art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Lundquist shows a package for holding a plurality of articles such as bacon together to form a unit having a top transparent sheet and a bottom opaque sheet to hold the articles together. There does not appear to be anything unobvious about using the teaching of the package of Lundquist in the package of Limousin to allow visual access to the packages from the top transparent sheet and to prevent visual access to the packages from the bottom opaque sheet.

Applicant's argument with respect to claims 2, 5, 8, 9, 11 and 19 in the remarks is noted. This is not persuasive and not understood because it would have been obvious to one having ordinary skill in the art to move the gripping openings or the perforation of Limousin to another location in the package in view of Tsuchiya because the selection of the specific location for the gripping openings or perforation would have been an obvious matter of design choice inasmuch as the resultant structures will work equally well.

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Applicant's argument with respect to claims 20, 21 and 23 in the remarks is noted. This is not persuasive and not understood for the same reasons as above.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luan K. Bui whose telephone number is (703) 305-5861. If in receiving this Office Action, it is apparent to Applicant that certain documents are missing from the record for example copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers should be directed to TC 3700 Customer Service at (703) 306-5648.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1148. Facsimile correspondence for this application should be sent to (703) 305-3580 or (703) 872-9302 for Formal papers and (703) 872-9303 for After Final communications.

lkb
July 8, 2003



Luan K. Bui
Primary Examiner